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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,977	11/26/2001	Tsuyoshi Sakata	4777/6	2857

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NEW YORK, NY 10036-7311

EXAMINER
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NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/994,977

Applicant(s)

SAKATA ET AL.

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments with respect to claims 1, 3 and 5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-7, are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (US Patent 6,711,418).

Regarding claim 1, Wang et al. disclose a receiving device, comprising:

a broadcast receiving section (see 400, fig.3a) receiving data by broadcast means (see 101, fig.3a, col.1 lines 55-59, col.5 lines 16-17);

a data accept section accepting the data by communication means (see 500, fig.3a, see col.5 lines 19-54); wherein:

said broadcast receiving section receives common information common to a plurality of receiving devices (see col.1 lines 55-59, col.4 line 55 through col.5 line 9); and

said data accept section (see 550, fig. 3a) performs a transmission request (see 580, fig.3a) of inherent information inherent to the receiving device by indicating an identifier of itself by

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a communication means while accepting the inherent information according to said identifier (see col.5 line 19 through col.6 line 14).

Regarding claim 2, Wang et al. disclose everything as claim 1 above. More specifically, Wang et al. disclose a write section writing said common information and said inherent information (see col.4 lines 51-52).

Regarding claim 3, Wang et al. disclose a receiving device, comprising:

a broadcast receiving section (see 400, fig.3a) receiving data by broadcast means (see 101, fig.3a, col.1 lines 55-59, col.5 lines 16-17);

a data accept section accepting the data by communication means (see 500, fig.3a, see col.5 lines 19-54); wherein:

said broadcast receiving section receives permanent information which does not change with the passage of time (see col.1 lines 55-59, col.4 line 55 through col.5 line 9); and

said data accept section (see 550, fig. 3a) performs a transmission request (see 580, fig.3a) of inherent information inherent to the receiving device by indicating an identifier of itself by a communication means while accepting the inherent information according to said identifier (see col.5 line 19 through col.6 line 14).

Regarding claim 4, Shimomura et al. disclose information indicating links of the hypertext (see col.4 lines 39-42); and

Said data accept section accepts link information which is information indicating links of the hypertext (see col.4 lines 39-42).

***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US Patent 6,711,418) in view of Mayo (US Patent 5,133,081).

Regarding claim 5, Wang et al. disclose a receiving device, comprising:

a broadcast receiving section (see 400, fig.3a) receiving data by broadcast means (see 101, fig.3a, col.1 lines 55-59, col.5 lines 16-17);

a data accept section accepting the data by communication means (see 500, fig.3a, see col.5 lines 19-54); wherein:

said broadcast receiving section (see 400, fig.3a).

Wang et al. fail to disclose receives instruction.

In the analogous art, broadcast receiver, Mayo discloses receive instruction (see col.2 line 56 through col.2 line 24). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wang et al. with the above teaching of Mayo in order to provide a remote controllable broadcast system.

Regarding claim 7, the modified Wang et al. disclose said instruction presence information is information indicating presence/absence of information indicating a recoding reservation, and instruction information information includes information necessary for recording reservation (see Mayo, col.2 line 56 through col.2 line 24).

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5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US Patent 6,711,418) in view of Mayo (US Patent 5,133,081) and further in view of Shimomura et al. (US Patent 6,526,580).

Regarding claim 6, the modified Wang et al. fail to disclose acquire the mail.

Shimomura et al. disclose "acquire the mail" (see col.6 lines 17-34, email services includes popup icon). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wang et al. with the above teaching of Shimomura in order to provide a mail service.

### Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883. The examiner can normally be reached on Monday through Friday from 6:30AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'TW' or similar, located to the left of the date.

**April 18, 2006**

A handwritten signature in black ink, appearing to be 'Edward F. Urban', located above the printed name.

**EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**